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REMARKS

Firstly, Applicant thanks the Examiner for the Examiner's thorough review of this application. This response to the outstanding Office action is a bona fide attempt to advance this application toward a condition of allowance.

Firstly, confirmation of the election of claims 1, 2 and 4-7 for prosecution on the merit of the application, and the withdrawal of claim 3 is hereby made to substantiate a verbal election of claims made by telephone on December 16, 2005.

In the Office action, the Examiner rejected claims 1 and 2 as being anticipated by the Stockberger et al. reference which was included in Applicant's initial information disclosure submission. Claims 4 - 6 were rejected as being obvious and unpatentable over the Stockberger et al. reference alone, and also over Applicant's previous patent (U.S. 6,506,360) alone. Claim 7 was rejected as being obvious and unpatentable over the Stockberger et al. reference alone, and over Applicant's previous patent in view of Muller et al. (U.S. 4,193,978). The Examiner's comments in that regard are duly noted.

In a telephone interview, on January 13, 2006, the Examiner further explained that claims 4-6 were rejected using Applicant's previous priority document (U.S. 6,506,360), because not all the limitations in claims 4-6 were supported by the priority document (MOPEP 2133.01), and therefore, the benefit of the priority date could not be claimed in claims 4-6.

Claim 1 has been amended. Claim 2 remains unchanged, and claims 3-7 are cancelled.

Claim 1 has been amended to specify that the catalyst in Applicant's reaction is sodium hydroxide and is not chemically consumed in the reaction. Support for this amendment can be found in Applicant's specification, and in particular on page 7, lines 14 - 24 thereof, and in the parent patent U.S. 6,506,360 at column 3, lines 61-62. Applicant also respectfully submits that all other limitations in claim 1 can be found in the priority document, as indicated by the Examiner at page 6 in the Office action, and therefore the priority date should be applied to amended claim 1.

Inasmuch as the Examiner might reconsider the Stockberger et al. reference as being

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applicable in a 37 C.F.R. #102 or a 37 C.F.R. # 103 rejection of claim 1, the following comments are submitted.

The Stockburger et al. reference (Stockburger) does not disclose a catalytic reaction wherein sodium hydroxide is a catalyst and is not consumed in the reaction. Stockburger discloses a process for generating hydrogen from scrap aluminum in an alkaline solution containing sodium hydroxide. The sodium hydroxide is consumed to form NaAl(OH)_4 , and an assumption is made that some of it can be regenerated by precipitation in another part of the process.

At page 434, lines 36-41 of the reference, Stockburger suggests that "precipitation of Al(OH)_3 is desirable as it regenerates NaOH which implies that less than the stoichiometric amount of NaOH has to be stored in the hydrogen generator system". This statement suggests that at least some of the NaOH is not regenerated in the reaction.

At page 436, first paragraph of the reference, Stockburger teaches that, during the bench scale experiment, there was no precipitation and consequently no regeneration of NaOH.

At page 437, lines 13-14 of the document, Stockburger teaches that "a continuous process requires that there be a continuous supply of reactants".

In Figure 3, page 442 of the document, Stockburger illustrated a hydrogen generator. The illustration shows a H_2O storage tank and pump, a NaOH storage tank and pump; a H_2O valve, a NaOH flow-control valve and an aluminum feed valve. This drawing confirms a continuous supply of reactants, and confirms the inclusion of NaOH as one of the reactants. Applicant respectfully points out that if NaOH was a catalyst which is not consumed, there would be no need for a NaOH makeup pump and flow-control valve.

The Stockburger document contains a mixture of objectives, theories, results and recommendations. The first portion of the document, pages 431- 434, contains theories and objectives only, and the second portion, pages 435 - 444 contains experimental results and recommendations. The first portion of the document is characterized by numerous hypothetical expressions such as "objective"; "would be";

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"expected"; "future"; "potential"; preliminary"; "will be", and "desirable". Formulas [1], [2] and [3] belong to this first section. Applicant respectfully submits that because of the structure of this document, the formulas [1], [2] and [3] belong to theories only. There is nothing in the entire document to lead one to find an association of formulas [2] and [3] with actual experimental results.

The remaining portion of the Stockburger document, pages 435 - 444, describes project's findings and recommendations. This entire portion of the document suggests that there was absolutely no regeneration of sodium hydroxide.

Therefore, Applicant respectfully submits that the formulas [2] and [3] in the first part of the Stockburger reference and the associated discussion constitute a hypothetical statement which does not meet the test of enablement required to make it applicable against Applicant's claim 1.

Applicant respectfully submits that Stockburger does not disclose, teach or suggest a catalytic reaction wherein sodium hydroxide is a catalyst and is not chemically consumed in the reaction. Therefore it is Applicant's position that claim 1 is neither anticipated by Stockburger and is not obvious over Stockburger.

It is also Applicant's position that claim 2 which depends on claim 1 is also novel and unobvious over the Stockburger reference for substantially the same reasons as set forth for claim 1 herein before.

An early indication of allowance of Applicant's claims 1 and 2 is respectfully requested.

Respectfully submitted,



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